



HARDIN THOMPSON

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February 1, 2024

Via ECF

The Honorable Joel H. Slomsky, U.S.D.J.
13614 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: Faggiolo v. Walk et al.
Docket No.: 2:23-cv-04920
Our File No.: 04.0024

Dear Senior Judge Slomsky:

As you are aware, this office represents Defendant Mark Walk, the Director of the Delaware County Office of Judicial Support in this matter in her official and personal capacity. Pending before your Honor is a Motion to Dismiss filed on her behalf. Please accept this letter reply brief to Plaintiff's response in lieu of a more formal response as I have been called to trial in an Adult Protective Services matter in Delaware County that will begin on February 5, 2024 and have been unable to draft a more formal brief under the circumstances.

Please allow Defendant Walk to join in the various other Motions to Dismiss the Complaint filed by all of the Co-Defendants in this matter and incorporate the facts and arguments laid out in same in support of her position. When the entirety of the record created by the various parties is reviewed, it is clear that Defendant Walk performed official functions required by law to issue Writs and enter judgments in tax lien-based *in rem* actions before the Court of Common Pleas of Delaware County, Pennsylvania. No actionable conduct has been alleged as a matter of law. Plaintiff, a person who has never registered any property interest with the taxing authorities relevant to this matter before initiation of the underlying litigations began, was afforded full due process to be heard on the propriety of those actions, and has the right (or has waived the right) to seek further review in the state court. The Tax Anti-Injunction statute referenced in Walk's moving papers clearly applies to this matter, and this Court lacks subject matter in this action, much as it lacked subject matter jurisdiction in the matter Faggiolo v. County of Delaware, E.D.PA. No. 2:23-cv-01904 in which the undersigned represented all of the Defendants. In further support of its motion, Defendant Walk, incorporates the entire record of that action in support of relief here.

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Respectfully Submitted,

HARDIN THOMPSON, P.C.



Michael F. Schleigh, Esquire

MFS/arm

Cc: Alphonso Nicholas Faggiolo *Via ECF*
Donald E. Wieand, Jr., Esquire *Via ECF*
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